IN THE UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF GEORGIA MACON DIVISION

CHAD M. BUBRICK,)
Plaintiff,)
v.) CIVIL ACTION NO. 5:09-CV-13 (MTT)
DAVID FRAZIER, et al.,)
Defendants.)
)

ORDER

This matter is before the Court on pro se Plaintiff Chad Bubrick's Motion for Relief from Order (the "Motion") (Doc. 105). The Motion asks the Court to correct oversight in citing legal authority for the basis of the Order Adopting the Recommendation of United States Magistrate Judge Claude W. Hicks, Jr. (the "Order") (Doc. 104). It is difficult to understand the relief sought by the Plaintiff, but the Court will treat the Motion as a Motion for Reconsideration.

This claim against Defendant Darius Binion was properly dismissed. The Magistrate Judge recommended that the claim against Defendant Binion be dismissed pursuant to the Prisoner Litigation Reform Act, 42 U.S.C. § 1997e(a), for failure to exhaust administrative remedies (the "Recommendation") (Doc. 95). This Court agreed with the Recommendation, but mistakenly cited to 48 U.S.C. § 1997e(a) in the Order. The Order was properly based on 42 U.S.C. § 1997e(a) because the Recommendation relied upon that provision and 48 U.S.C. § 1997e(a) is a nonexistent statutory provision. The Motion is **DENIED**.

SO ORDERED, this the 1st day of September, 2010.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT